

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-9, 11-25, 29-32, and 34 are pending in this case.

In the outstanding Office Action, Claims 1-7, 9-11, 14-25, and 29-34 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kohonen et al. ("Self Organization of a Massive Document Collection", herein "Kohonen") in view of Derthick ("Interfaces for Palmtop Image Search"), further in view of Schultz, et al. (U.S. Pub. No. 2003/0061211, herein "Schultz"); Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kohonen in view of Derthick and Schultz, further view of Doerre et al. (U.S. Patent No. 6,446,061, herein "Doerre"); and Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kohonen in view of Derthick and Schultz, further view of Bruijn et al. ("Patterns of Eye Gaze during Rapid Serial Visual Presentation", herein "Bruijn").

Applicant respectfully traverses the rejections of the pending claims.

Claim 1 is directed to a video processing apparatus and includes, *inter alia*,

an information retrieval system configured to **map the set of distinct information items to respective nodes in an array of nodes by mutual similarity** of the information items, so that similar information items map to nodes at similar positions in the array of nodes, the information retrieval system includes

a user control configured to define a **first search criterion for selecting information items** and a second search criterion, the **second search criterion defining a subset of the array of nodes such that only information items that meet the first search criterion and are located in the subset of the array of nodes defined by the second search criterion are selected.**

The outstanding Office Action asserts a combination of Kohonen, Derthick and Schultz as teaching every element of Claim 1. Specifically, with regard to the above-highlighted features of Claim 1, the outstanding Office Action concedes, at page 5, that Kohonen and

Dirthick fail to teach or suggest a second search criterion, as defined by Claim 1, but asserts that Schultz does.

Schultz describes a geographical information system that allows a user to define a geographical area within which to search for a business or other query item. As described at paragraph [0013] of Schultz, a user may use text, spatial search information, i.e. highlighting a desired point or area on a displayed map, or a combination of the two in order to define the geographical area within which to search for the query information.

However, Schultz does not teach or suggest a second search criterion as defined by Claim 1. Specifying a geographical area in Schultz is not a “second search criterion **defining a subset of the array of nodes**,” because Schultz does not teach or suggest nodes, as defined by Claim 1, such that “**similar information items map to nodes at similar positions in the array of nodes**.” Nothing in Schultz teaches or suggests that businesses or other query items of a similar category are mapped to a similar area of the geographical map of Schultz such that a second search criterion defining a subset of the map area searches for businesses that meet the first search criterion, the query item, and are also located in the subset of the map area. In fact, such a suggestion would render Schultz inoperable for its intended purpose because reorganizing businesses within the geographical area selected by the user would prevent the user from finding the correct geographical location of the query item.

If the outstanding Office Action would suggest that the term “nodes,” as defined by Claim 1, can be ignored in the claim element of Claim 1 that recites the second search criterion, Applicant respectfully submits that such an assertion would be in derogation of MPEP § 2111.01(IV), which requires that a definition in the claim control the interpretation of the claim. In this case, Claim 1 defines that “**similar information items map to nodes at similar positions in the array of nodes**.” Therefore, a “second search criterion defining a subset of the array of nodes” cannot be interpreted to include a search criterion defining a subset of a

geographical map because Schultz does not additionally teach or suggest that similar items are located at similar positions on the geographical map.

The issue of the propriety of the combination asserted by the outstanding Office Action is not reached in this case because, even if the combination were proper, Kohonen, Derthick and Schultz do not teach or suggest every element of Claim 1. However, for the sake of completeness, Applicant includes the following remarks with regard to the asserted combination.

The outstanding Office Action merely cites different references as teaching different features of Claim 1 but does not propose any modification of one reference with the other references, as required by MPEP § 706.02(j)(C). Failing to clearly set out the proposed modification of a reference with the other references, as well as the rationale for such a modification, is also in derogation of MPEP § 2143.01. The Court recently reiterated the requirements, under MPEP § 2143.01, for combining references by stating that a “patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.” KSR Int. Co. v. Teleflex Inc., 82 USPQ2d 1385, 1389 (2007). The Court stated the importance of identifying “a reason that would have prompted a person of ordinary skill in the art to combine the elements as the new invention does.” *Id.* The outstanding Office Action states, at page 5, that the combination of Kohonen, Derthick and Schultz would “provide more specific results for search engines via user-defined parameters.” The outstanding Office Action also cites a paragraph of Schultz that merely states the advantages of providing the ability to specify geographic areas for search. However, these statements shed no light on why the outstanding Office Action would assert that it would be obvious for one of ordinary skill in the art to combine an ability to specify a geographic search with self-organizing maps.

Based on the preceding discussion, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Claims 21 and 29, though differing in scope and statutory class from Claim 1, patentably define over the combination of Kohonen, Derthick, and Schultz for substantially the same reasons as Claim 1. Thus, Applicant respectfully requests that the rejection of Claims 21 and 29 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-9 and 11-20 depend from Claim 1, Claims 22-25 depend from Claim 21, and Claims 30-32 and 34 depend from Claim 29. Thus, Claims 2-9, 11-20, 22-25, 30-32, and 34 patentably define over the combination of Kohonen, Derthick, and Schultz for at least the same reasons discussed above with respect to independent Claims 1, 21, and 29. Further, Doerre, which is additionally cited against Claim 8, and Bruijn, which is additionally cited against Claims 12 and 13, do not cure the deficiencies of Kohonen, Derthick, and Schultz with respect to independent Claims 1, 21, and 29 and are not asserted for the features of Claims 1, 21, and 29 that are deficient in Kohonen, Derthick, and Schultz.

Thus, Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of Claims 2-9, 11-20, 22-25, 30-32, and 34 be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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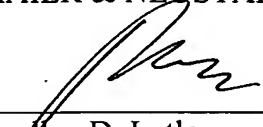
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